

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

VAN NGUYEN and §  
THANH HONG NGUYEN, §  
Plaintiffs, §  
v. § CIVIL ACTION NO. 4:25-cv-1602  
§  
THUY PHAM, §  
Defendant. §

**DEFENDANT THUY PHAM'S NOTICE OF REMOVAL  
TO THE HONORABLE U.S. DISTRICT JUDGE:**

**Defendant Thuy Pham** (“Defendant” or “Pham”) files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, which authorize the removal of any civil action involving a federal question. In support thereof, Defendant respectfully states as follows:

1. In the present case, Plaintiffs have filed suit against Defendant in Texas state court, alleging, among other claims, Defendant’s violation of the federal Racketeer Influenced and Corrupt Organizations Act (“RICO”), which arises under federal law, 18 U.S.C. § 1961 et seq.

**PROCEDURAL BACKGROUND**

2. On March 26, 2025, Plaintiffs Van Nguyen (a/k/a Bich Van Thi Nguyen) and Thanh Hong Nguyen ("Plaintiffs") filed their Original Petition in Cause No. 2025-20441; *Van Nguyen and Thanh Hong Nguyen v. Thuy Pham*, in the 234th

Judicial District Court of Harris County, Texas (the "State Court Action"). (A true and correct copy of Plaintiff's Original Petition is attached hereto as Exhibit A).

3. Defendant Thuy Pham (a/k/a Thuy Phan) was served with the Original Petition and Citation on April 3, 2025. (A true and correct copy of the Citation is attached hereto as Exhibit B).

4. Pham will promptly file a copy of this Notice of Removal with the clerk of the State Court Action and will give written notice to Plaintiffs of the same, as required by 28 U.S.C. § 1446 (d).

### **NATURE OF THE SUIT**

5. In their Original Petition, Plaintiffs assert claims against Defendant Pham for alleged violations of the federal Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. § 1961 et seq. They seek actual damages, treble damages, attorney's fees, and costs under RICO. Plaintiffs also bring supplemental claims for defamation per se and common law defamation; and they also seek actual damages and exemplary damages for their state claims.

## **GROUNDS FOR REMOVAL**

6. This civil action is one that is being removed to this District Court pursuant to 28 U.S.C. § 1441(a)<sup>1</sup> because this Court has original subject matter jurisdiction over the action under federal law which is RICO.

### **A. Plaintiff Assert Federal Question pursuant to 18 U.S.C. § 1961<sup>2</sup>**

7. Specifically, this Court has original jurisdiction under the Federal Civil Racketeer Influenced and Corrupt Organizations Act (RICO), codified at 18 U.S.C. §§ 1961–1968.

### **B. Removal is Procedurally Prudent**

8. Removal is procedurally prudent because it complies with the requirements set forth in 28 U.S.C. §§ 1441 (a) and 1446, including proper venue and timely filing.

9. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b), as it is submitted within thirty (30) days after Defendant Pham was served with Plaintiffs' Original Petition.

10. Venue is proper in the United States District Court for the Southern District of Texas, Houston Division, under 28 U.S.C. §§ 1441(a) and 1446(a),

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<sup>1</sup>28 U.S.C. § 1441(a) **Generally**.--A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

<sup>2</sup>

because it encompasses Harris County, Texas, where the state court action is currently pending.

11. In compliance with 28 U.S.C. § 1446(a) and Local Rule 81, the following documents are attached to this Notice of Removal:

- Exhibit A – Plaintiffs' Original Petition
- Exhibit B – Citation of Process (served on April 3, 2025)
- Exhibit C – Defendant's Original Answer and Affirmative Defenses
- Exhibit D – State Court Action Docket Sheet
- Exhibit E – Index of Matters Being Filed
- Exhibit F – List of All Counsel of Record

### **PRAYER**

Defendant Thuy Pham respectfully requests that the above-entitled action, Cause No. 2025-20441, be removed from the 234th Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division. Defendant further requests all such other and further relief to which she may be justly entitled.

Respectfully submitted,

/s/ Lloyd E. Kelley  
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**CO-COUNSEL FOR THUY PHAM**

### **CERTIFICATE OF SERVICE**

On April 7, 2025, pursuant to Federal Rule of Civil Procedure 5, this Notice of Removal was sent to:

Brian Turner  
Law Office of Brian Turner  
308 N. Washington Ave.  
Brian, Texas 77803  
bt@brianturnerlaw.com

/s/ Lloyd E. Kelley  
**LLOYD E. KELLEY**